

IN RE: PETITION FOR VARIANCE
(6420 Dogwood Road)
2nd Election District
4th Councilman District
Andrews Expo Properties, LLC
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0102-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Deborah C. Dopkin, Esquire, on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single family dwelling on a lot with a width of 50 feet in lieu of the required 55 feet. The subject property and requested relief is more fully depicted on the two-sheet site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Roberto Ho and Bernadette Moskunas. Deborah C. Dopkin, Esquire appeared as counsel and represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of opposition.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 7,788 square feet and is zoned DR 5.5. The property is unimproved, and Petitioner would like to construct on the site a modest single family dwelling, as shown on the plan, Exhibit 1. The Petitioner's lot is

ORDER RECEIVED FOR FILING

Date 12/30/13

By den

only 50' wide, and variance relief is therefore required. In these circumstances, I believe Petitioner is entitled to relief under B.C.Z.R. §304, a specific provision in the regulations concerning undersized single family lots. Most notably, this regulation does not require the Petitioner to establish elements of uniqueness and hardship, as required in a variance case under B.C.Z.R. §307.

Under B.C.Z.R. §304, a Petitioner is entitled to build on a lot having a deficient width. Current law requires 55' lot width, while Petitioner's lot is 50' wide. The regulations require that the Petitioner not own adjoining land that could be combined with the subject lot to satisfy the lot width requirement. The Petitioner does not own such land. The regulation also requires the Petitioner to satisfy all other height & area regulations, and Ms. Moskunas confirmed that the proposal satisfied the minimum lot area and yard setbacks contained in the small lot table. Finally, the regulation requires the lot to have been created prior to 1955. In this case, the lot was created in 1919, as shown on the plat of Broadacres, admitted as Exhibit 2.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition. In addition, and as shown on the aerial zoning map (Exhibit 3) many of the single family dwellings in this large community are situated on 50' wide lots, and thus the proposed dwelling will be compatible with the pattern of the neighborhood.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the zoning relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 30th day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to

ORDER RECEIVED FOR FILING

Date

12/30/13

By

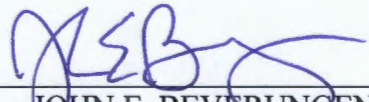
Den

Baltimore County Zoning Regulations ("B.C.Z.R") to permit a single family dwelling on a lot with a width of 50 feet in lieu of the required 55 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 12/30/13

By slh

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 30, 2013

Deborah C. Dopkin, Esquire
P.O. Box 323
Brooklandville, Maryland 21022

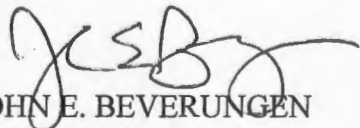
RE: Petition for Variance
Property: 6420 Dogwood Road
Case No.: 2014-0102-A

Dear Mrs. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Roberto Ho, 2123 Oak Forest Drive, Ellicott City, Maryland 21043
Bernadette Moskunus, 200 E. Joppa Road, Room 101, Towson, Maryland 21286



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6420 Dogwood Road which is presently zoned D.R. 5.5

Deed References: 32578/316 10 Digit Tax Account # 02-2000013442

Property Owner(s) Printed Name(s) ANDREWS EXPO PROPERTIES LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

See Attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Deborah C. Dopkin

Name- Type or Print

Signature

P.O. Box 323 Brooklandville MD

Mailing Address City State

21022 / 410-821-0200 / ddopkin@dopkinlaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners): Andrews Expo Properties LLC

ROBERTO Hb

Name #1 Type or Print Name #2 Type or Print

Signature #1 Signature #2

2123 Oak Forest Drive Ellicott City MD

Mailing Address City State

21043 / 443-956-6417

Zip Code Telephone # Email Address

Representative to be contacted:

Bernadette Moskunus

Name- Type or Print

Signature

200 East Joppa Road, Suite 101

Mailing Address City State

Towson Maryland 21286 410-828-9000

Zip Code Telephone # Email Address

CASE NUMBER 2014-0102-A Filing Date 10/23/13

Do Not Schedule Dates

ORDER RECEIVED FOR FILING

Date 12/30/13 REV. 10/1/11

By Delh

A variance from Section 1BO2.3.C.1; BCZR, to permit a single family dwelling on a lot with a width of 50 feet in lieu of the required 55 feet.

ZONING PROPERTY DESCRIPTION
#6420 DOGWOOD ROAD

BEGINNING at a point on the north side of Dogwood Road which is 30 feet wide at the distance of 140 feet east of the center line of Englewood Avenue which is 40 feet wide. Being Lot No. 212 in the Subdivision of "Broadacres" as recorded in the Baltimore County Plat Book No. 5, folio No. 44, containing 7,788 square feet. Located in the 2nd Election District and 4th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 100
Towson MD 21286
(410) 828-9060

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2014-0102-A

Petitioner: Andrews Expo Properties LLC

Address or Location: 6420 Dogwood Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Andrews Expo Properties LLC % Roberto Ho

Address: 2123 Oak Forest Drive

Ellicott City MD 21043

Telephone Number: 443-956-6417

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **102651**

Date: **10/23/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
10/23/2013 10/23/2013 09:28:41 5

R06 M005 WALKIN R005 LRD
>>RECEIPT # 703139 10/23/2013 OFLW

Dept 5 520 ZONING VERIFICATION
CH NO. 102651

Receipt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From **ANDREW Expo Prop., LLC**
For **2014-0102-A**

CERTIFICATE OF POSTING

RE: Case No 2014-0102-A

Petitioner/Developer
SITE RITE SURVEYING INC.

Date Of Hearing/Closing: 12/20/13

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at

6420 DOGWOOD ROAD

This sign(s) were posted on November 29, 2013

Month, Day, Year

Sincerely,

Martin Ogle 11/29/13
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2014-0102-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY, DECEMBER 20, 2013
AT 1:30 P.M.

REQUEST:

VARIANCE TO PERMIT A SINGLE FAMILY
DWELLING ON A LOT WITH A WIDTH OF 80 FEET
IN LIEU OF THE REQUIRED 85 FEET

POSTPONEMENTS DUE TO WEATHER AND OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONSIDER HEARING CALL 410-497-2901

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

mya m. gl 11/29/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 28, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on November 26, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2014-0102-A

6420 Dogwood Road

N/s Dogwood Road 140 ft. e/of centerline of
Englewood Ave

2nd Election District - 4th Councilmanic District

Legal Owner(s): Andrews Expo Properties, LLC, Roberto Ho

Variance: to permit a single family dwelling on a lot with a width of 50 feet in lieu of the required 55 feet.

Hearing: Friday, December 20, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/802 Nov. 26

959487



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 18, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0102-A

6420 Dogwood Road

N/s Dogwood Road, 140 ft. e/of centerline of Englewood Avenue

2nd Election District – 4th Councilmanic District

Legal Owners: Andrews Expo Properties, LLC, Roberto Ho

Variance to permit a single family dwelling on a lot with a width of 50 feet in lieu of the required 55 feet.

Hearing: Friday, December 20, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Deborah Dopkin, P.O. Box 323, Brooklandville 21022

Roberto Ho, Andrews Expo Properties, LLC, 2123 Oak Forest Drive, Ellicott City 21043

Bernadette Moskunas, 200 E. Joppa Road, Ste. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 30, 2013**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 26, 2013 Issue - Jeffersonian

Please forward billing to:

Roberto Ho
Andrews Expo Properties, LLC
2123 Oak Forest Drive
Ellicott City, MD 21043

443-956-6417

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0102-A

6420 Dogwood Road

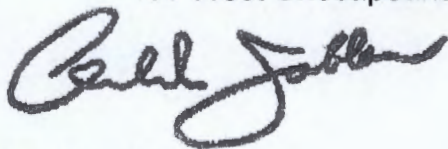
N/s Dogwood Road, 140 ft. e/of centerline of Englewood Avenue

2nd Election District – 4th Councilmanic District

Legal Owners: Andrews Expo Properties, LLC, Roberto Ho

Variance to permit a single family dwelling on a lot with a width of 50 feet in lieu of the required 55 feet.

Hearing: Friday, December 20, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: January 30, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0102-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 29, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
6420 Dogwood Road; N/S Dogwood Road,		
140' E of c/line Englewood Avenue	*	OF ADMINISTRATIVE
2 nd Election & 4 th Councilmanic Districts		
Legal Owner(s): Andrew Expo Properties, LLC*		HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-102-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 07 2013

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of November, 2013, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, 200 East Joppa Road, Suite 101, Towson, MD 21286 and Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 1000, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014-

0102-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11/7</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>11/6</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>11/26/13</u>	
SIGN POSTING	Date: <u>11/29/13</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

**BALTIMORE COUNTY ZONING REGULATIONS 2013 Edition Updated 04-01-2013,
v7 / THE REGULATIONS / ARTICLE 3, EXCEPTIONS TO HEIGHT AND AREA
REQUIREMENTS / SECTION 304, Use of Undersized Single-Family Lots [BCZR
1955; Bill No. 47-1992] / § 304.1. Types of dwellings allowed; conditions. [Bill
Nos. 64-1999; 28-2001]**

§ 304.1. Types of dwellings allowed; conditions. [Bill Nos. 64-1999; 28-2001]

Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

**BALTIMORE COUNTY ZONING REGULATIONS 2013 Edition Updated 04-01-2013,
v7 / THE REGULATIONS / ARTICLE 3, EXCEPTIONS TO HEIGHT AND AREA
REQUIREMENTS / SECTION 304, Use of Undersized Single-Family Lots [BCZR
1955; Bill No. 47-1992] / § 304.2. Building permit application. [Bill Nos. 122-2010;
55-2011]**

§ 304.2. Building permit application. [Bill Nos. 122-2010; 55-2011]

- A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits, Approvals and Inspections, at the time of application for a building permit, plans sufficient to allow the Department of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Department of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.
- B. At the time of application for the building permit, as provided above, the Director of Permits, Approvals and Inspections shall request comments from the Director of the Department of Planning (the "Director"). Within 15 days of receipt of a request from the Director of Permits, Approvals and Inspections, the Director shall provide to the Department of Permits, Approvals and Inspections written recommendations concerning the application with regard

SECTION 304 -- USE OF UNDERSIZED SINGLE-FAMILY LOTS - Prior to the application for a building permit, the applicant must provide satisfactory documentation. The applicant may be required to furnish:

- a. a copy of the pre-1955 deed or subdivision plat;
- b. (no additions)
- c. contiguous ownership

It is obvious that Section 304 of the Baltimore County Zoning Regulations recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

1. Section 304 B.C.Z.R., however, is silent as to when contiguous ownership would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.
2. It is therefore important to consider the intent of the owner who attempts to invoke the applicability of Section 304 BCZR. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304c. cannot be invoked and variances must be required. An obvious method used is called "checkerboarding". The owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of public hearing and notice for a variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation which purchased the tract. Another method is to sell adjoining undersized lots which were recently purchased to individual, bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.
3. If a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, 304c. may be used to allow the owner to build pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the parcels, the purpose of the purchase, the intent of the purchase, can be utilized to so determine. This office has traditionally applied the "six year rule" to determine good faith, and that rule shall be one criteria to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 304c. would apply if such new ownership has been held for a period of at least six years. This rule shall not preclude exceptions where it is clear, and equitable, that single ownership of contiguous property was not intended to avoid area requirements.
4. Ownership Information Including:
 - (i) a property tax computer printout for all adjacent properties, in addition to the subject property;
 - (ii) copies of the deeds for all adjacent properties, in addition to the subject property; and
 - (iii) a notarized affidavit stating that the applicant has had no financial interests for the prior six years in any adjacent properties.

Interpretation: The Zoning Commissioner retains the right Section 500.6 B.C.Z.R. to interpret whether the spirit and intent of these Regulations are being adhered to on a case-by-case basis (see Section 101 - Ownership Z.C.P.M., Page 1-23)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

December 12, 2013

Roberto Ho
2123 Oak Forest Drive
Ellicott City MD 21043

RE: Case Number: 2014-0102 A, Address: 6420 Dogwood Road

Dear Mr. Ho:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 23, 2013. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Deborah C. Dopkin, Esquire, P. O. Box 323, Brooklandville MD 21022
Bernadette Moskunus, 200 East Joppa Road, Suite 101, Towson MD 21286

Martin O'Malley, Governor |
Anthony G. Brown, Lt. Governor |



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 11-6-13

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0102-A
Variance
Andrews Expo Properties, LLC
Roberto Ho
6420 Dogwood Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0102-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read 'Steven D. Foster'.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 4, 2013
Item No. 2014-0094, 0100, 0102 and 0104

DATE: November 7, 2013

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC11042013 -.doc

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier: District - 02 Account Number - 2000013442		
Owner Information		
Owner Name:	ANDREWS EXPO PROPERTIES LLC	Use: RE
Mailing Address:	6418 DOGWOOD RD BALTIMORE MD 21207-5247	Principal Residence: NO Deed Reference: 1) / 2)
Location & Structure Information		
Premises Address:	DOGWOOD RD 0-0000	Legal Description: .178 BR
Map: 0088	Grid: 0020	Parcel: 0391
Sub District:	Subdivision: 0000	Section: 212
Block:	Lot: 2013	Assessment Year:
Plat No:	Plat Ref:	Town: NONE
Special Tax Areas:	Ad Valorem:	Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation	Property Land Area 7,788 SF	
Value Information		
Base Value	Value	Phase-in Assessments
	As of 01/01/2013	As of 07/01/2013
Land: 54,600	41,400	41,400
Improvements: 0	0	0
Total: 54,600	41,400	41,400
Preferential Land: 0		0
Transfer Information		
Seller: BING IVORY KAYEEF	Date: 09/25/2012	Price: \$71,000
Type: ARMS LENGTH MULTIPLE	Deed1: /32578/ 00316	Deed2:
Seller: DILWORTH ROBERT G,SR	Date: 08/20/2003	Price: \$130,000
Type: ARMS LENGTH MULTIPLE	Deed1: /18620/ 00297	Deed2:
Seller: DILWORTH ROBERT G	Date: 10/20/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13229/ 00213	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County: 000		0.00
State: 000		0.00
Municipal: 000		0.00/0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **02** Account Number: **2000013442**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

<http://imsweb05.mdp.state.md.us/website/mosp/>☐ Loading... Please

Loading... Please Wait.

-->

CASE NAME 2014-102A
CASE NUMBER Andrews Express Pwp.
DATE 12-20-13

CASE NAME 2014-102A
CASE NUMBER Andrews Express Pwp.
DATE 12-20-13

[illegible]

Case No.:

2014-0102-A

Exhibit Sheet

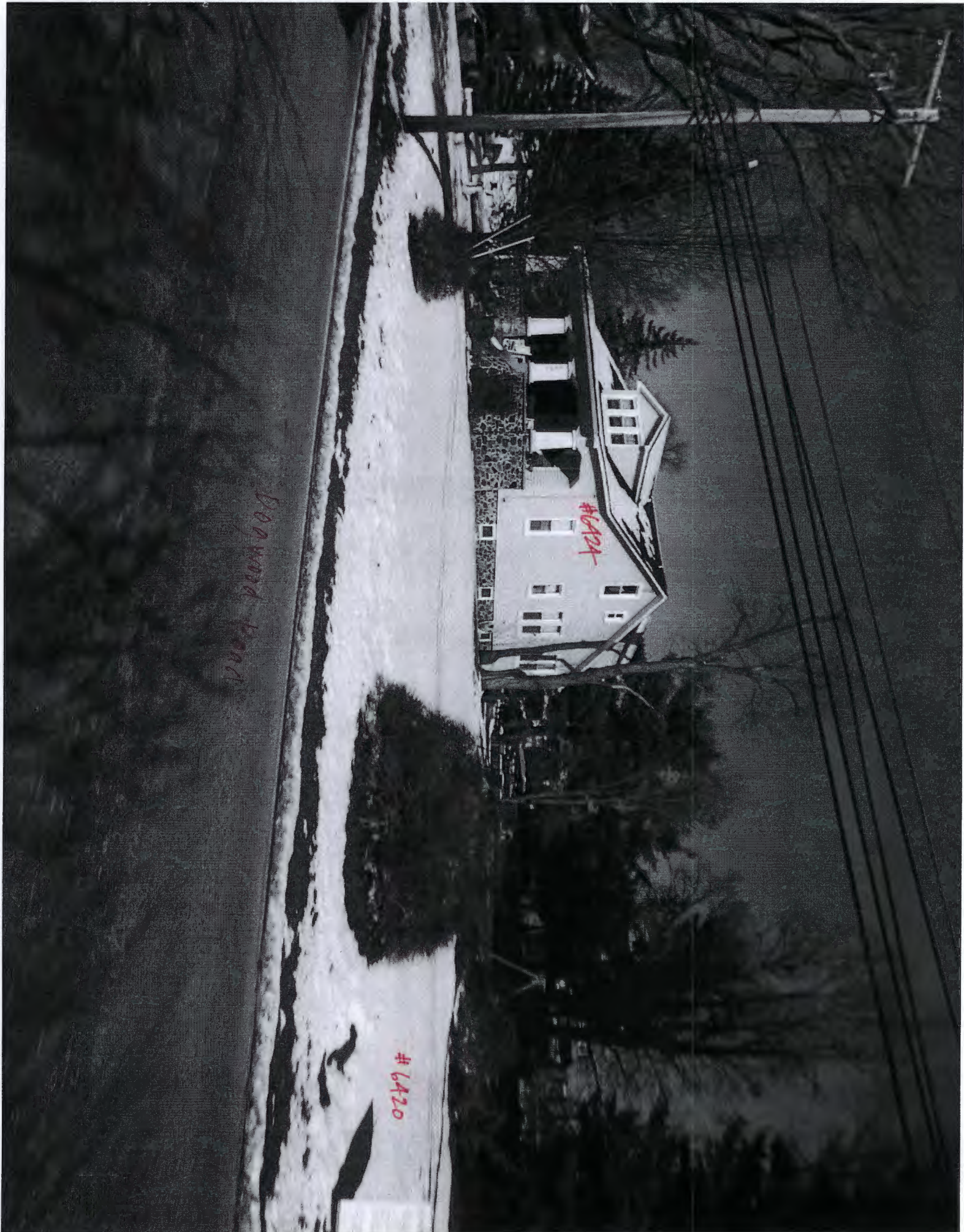
Petitioner/Developer

Protestants

EW
1-30-14

SEN
12-30-13

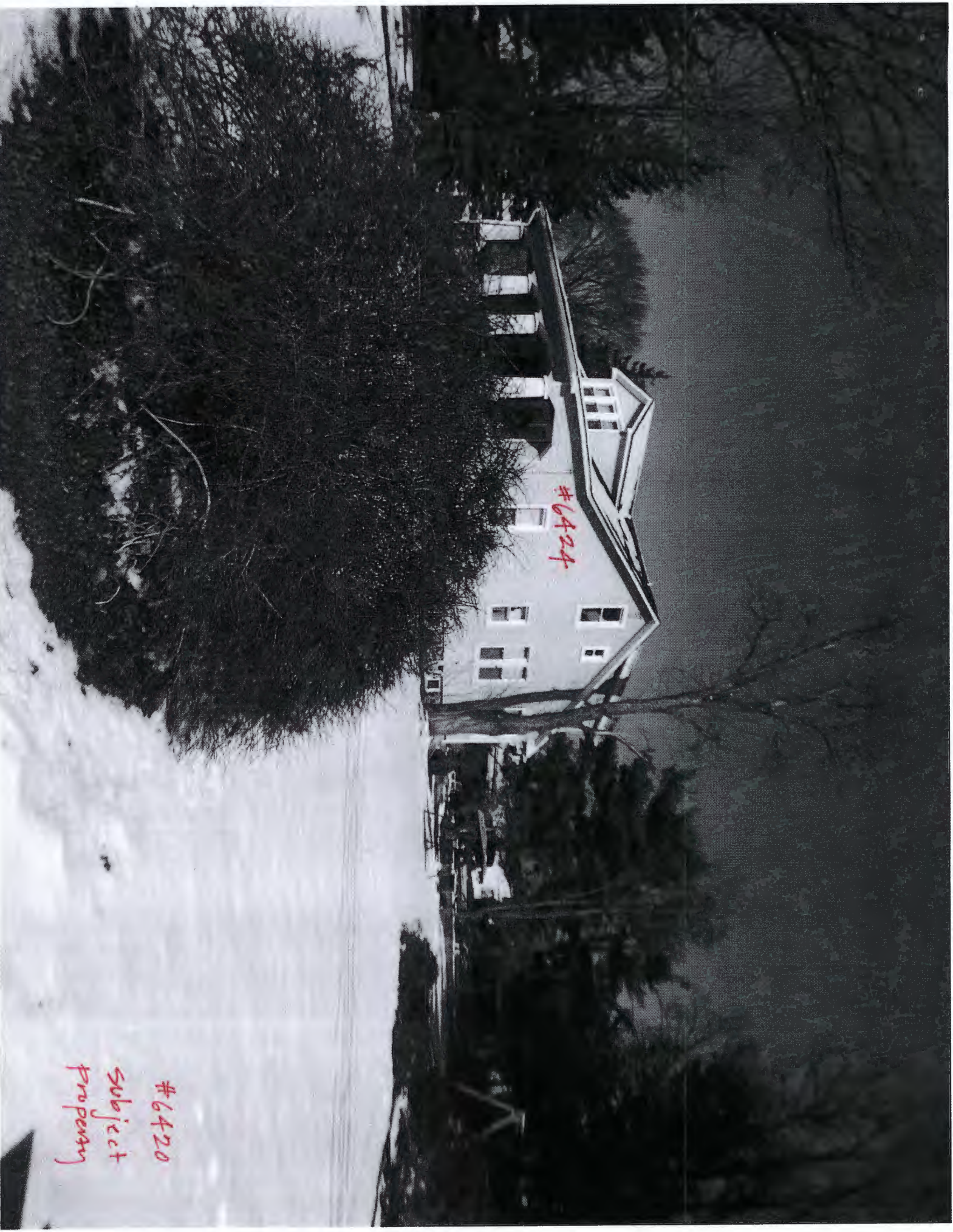
No. 1	Plan (redlined)	
No. 2	Plat - Broadacres	
No. 3	Aerial zoning map	
No. 4	photos - site + adjoining homes	
No. 5	photos - commercial uses in vicinity	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Boydwood Road

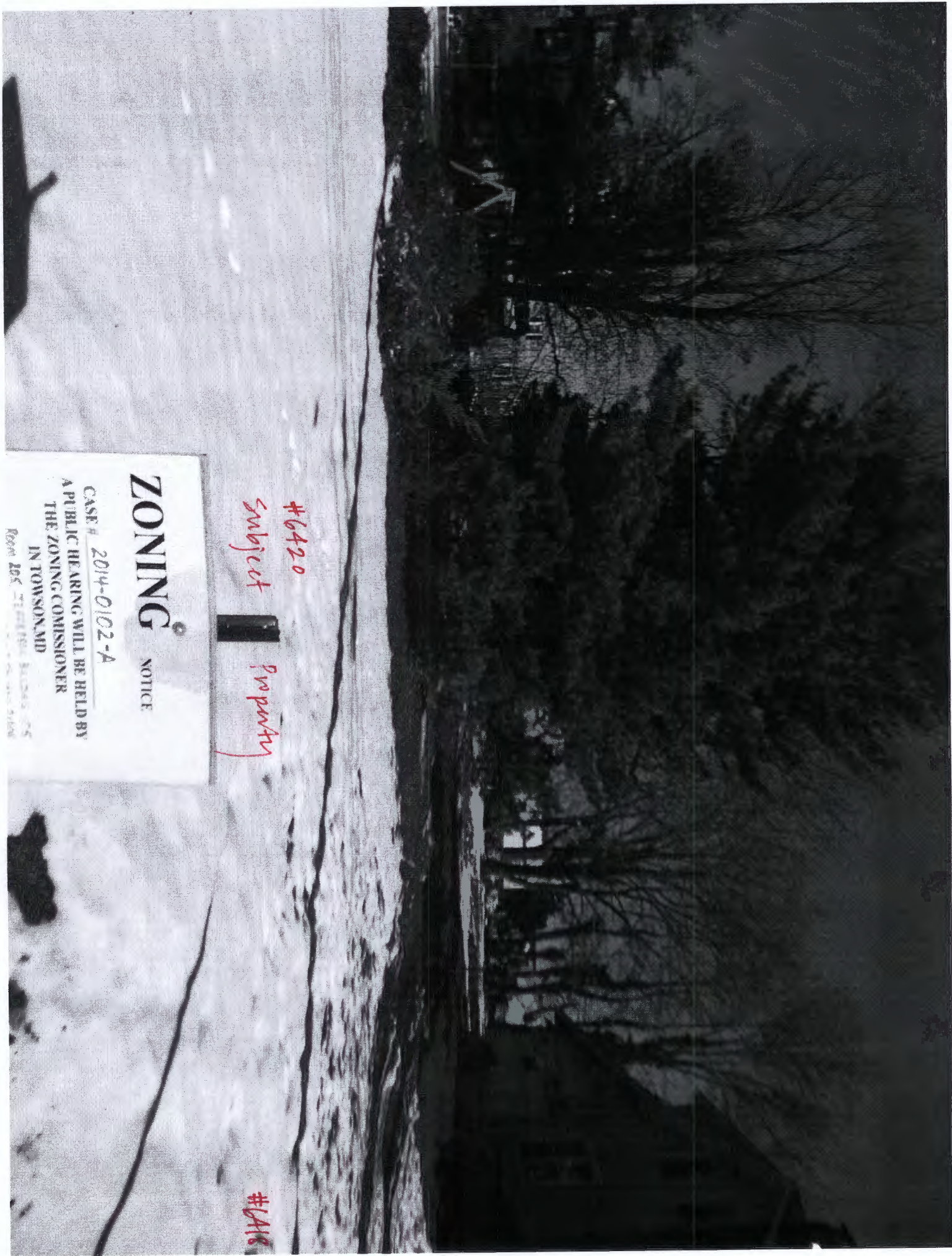
#6424

#6420



#6424

#6420
subject
property



#6420

Subject

Property

#6418

ZONING NOTICE

CASE # 2014-0102-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

Room 205 7201 FIVE BEACHES RD
TOWSON, MD 21204-2050





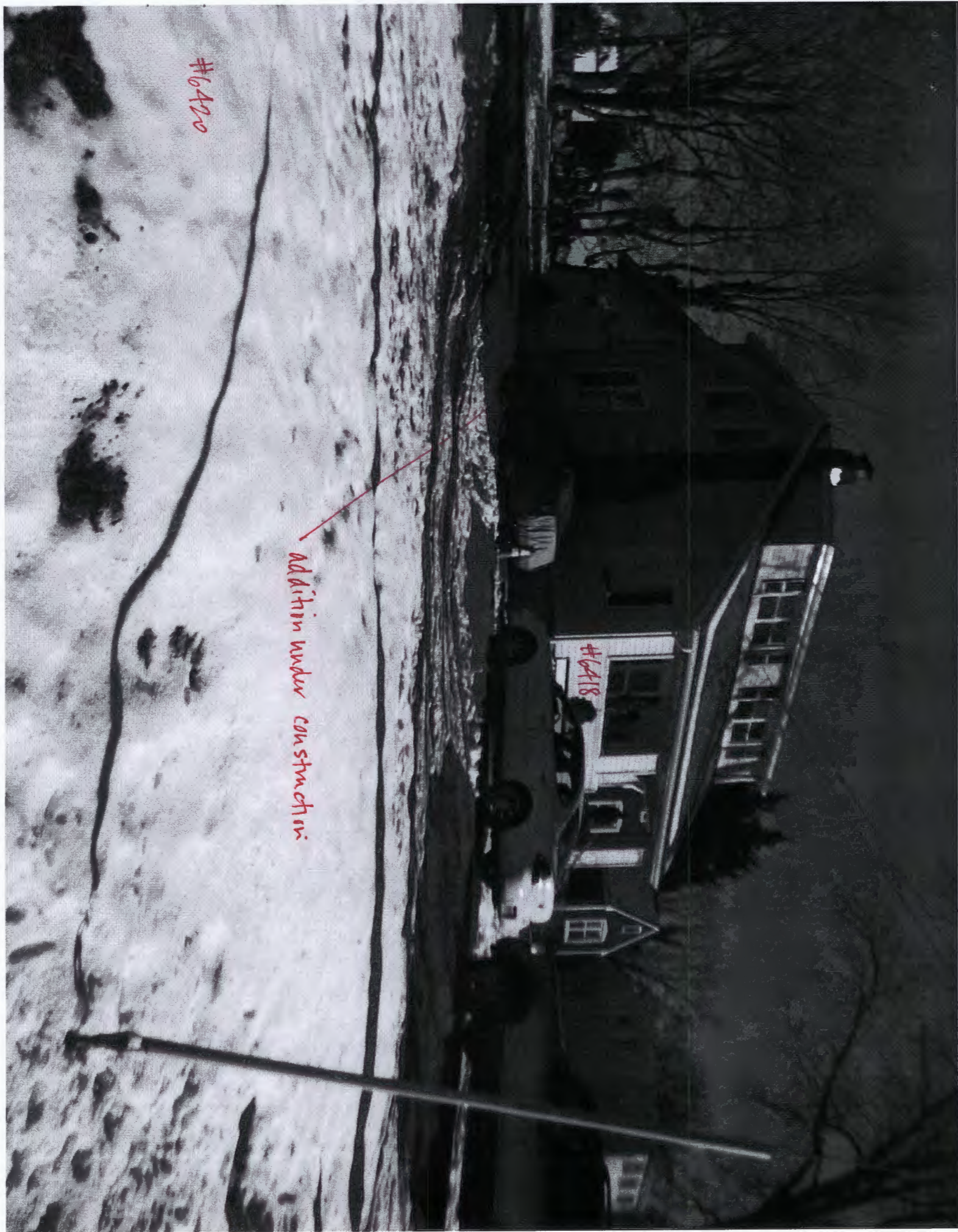
#6420

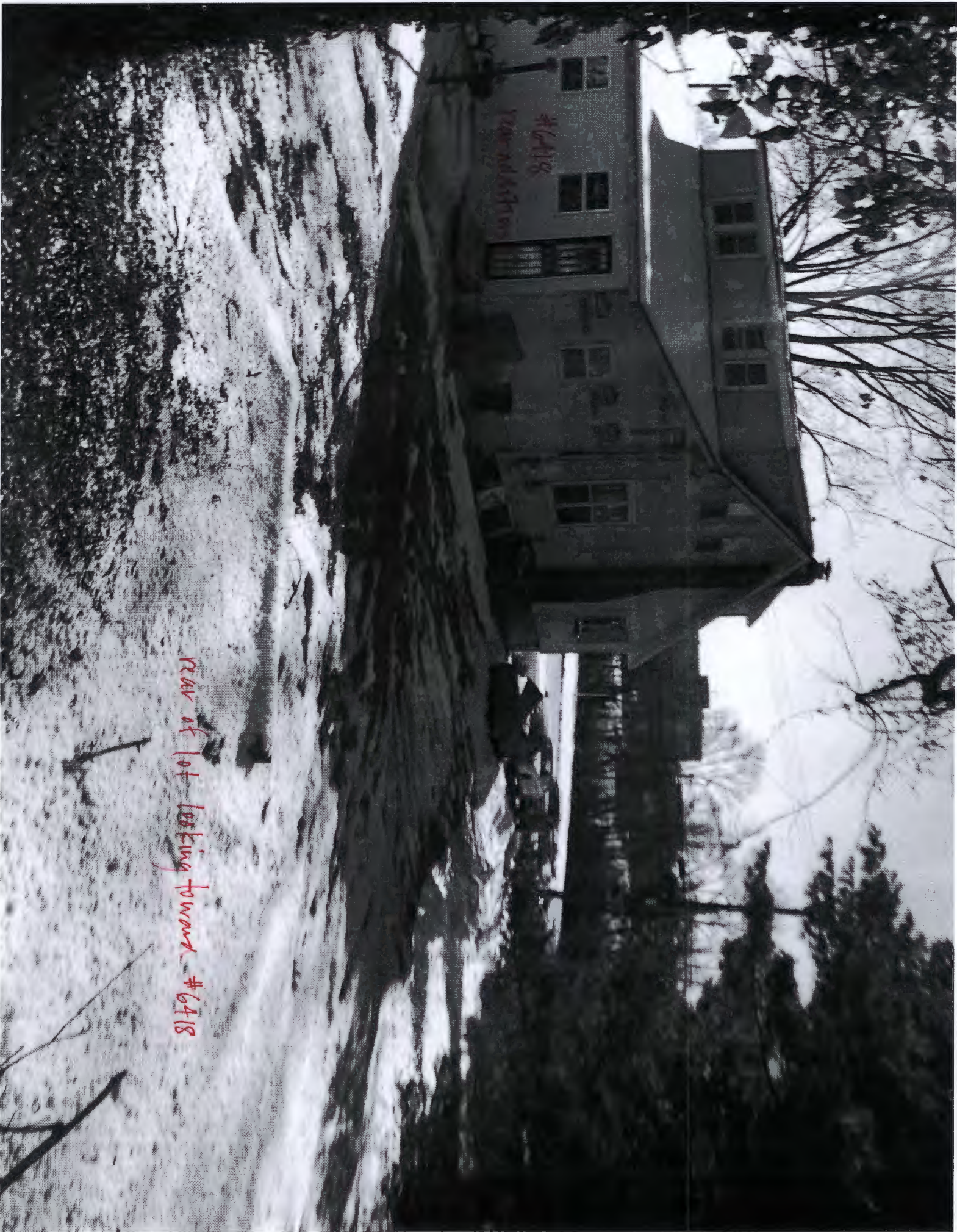
#6418

#6420

addition under construction

#6418





rear of lot looking toward #6418

"Commercial property"



"commensurate property"



Christos Baptist Church

(Where faith is both professed and put into practice)

6401 Dogwood Road, Woodlawn, MD 21207

Sunday School: 10 am-11 am Worship: 11 am-1 pm

Wednesday Prayer & Bible Study: 6 pm-7 pm

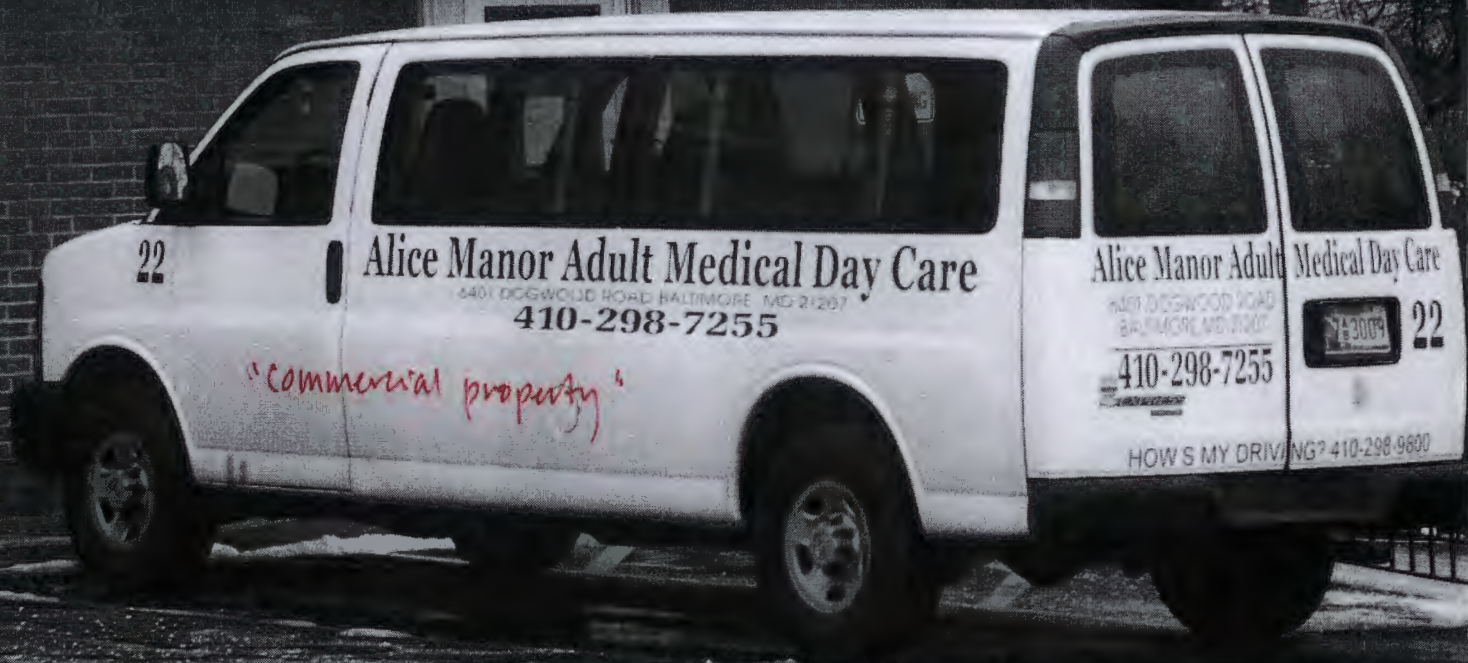
Night Vigil: First Friday of the month, 11:30 pm-2 am

For Prayer and Information: Call 443-780-0200

Email: info@christosbaptistchurch.com

Web: www.christosbaptistchurch.com

Alice Manor
Adult Medical Day Care



"commercial property"

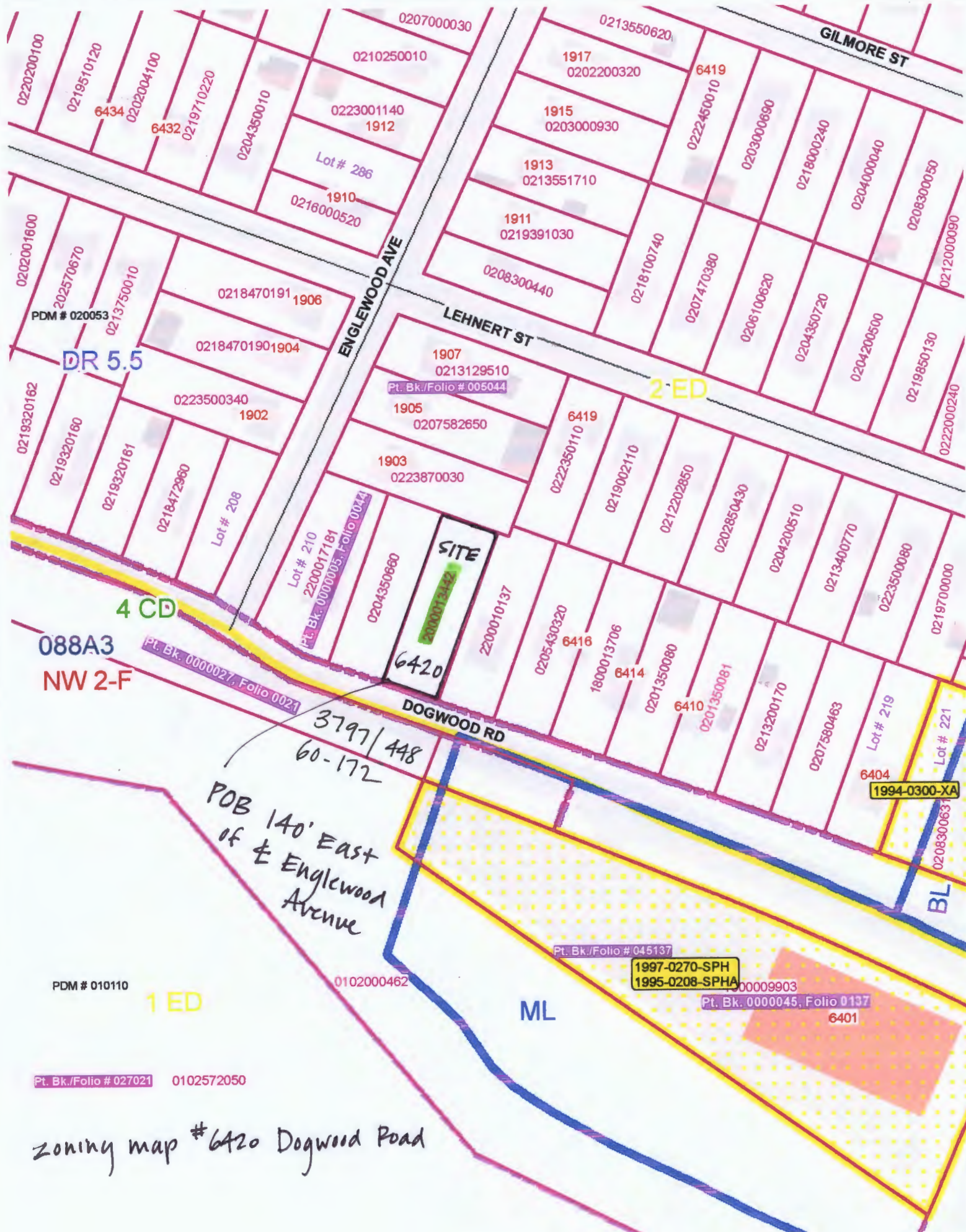
Alice Manor Adult Medical Day Care
8401 DOGWOOD ROAD BALTIMORE, MD 21297
410-298-7255

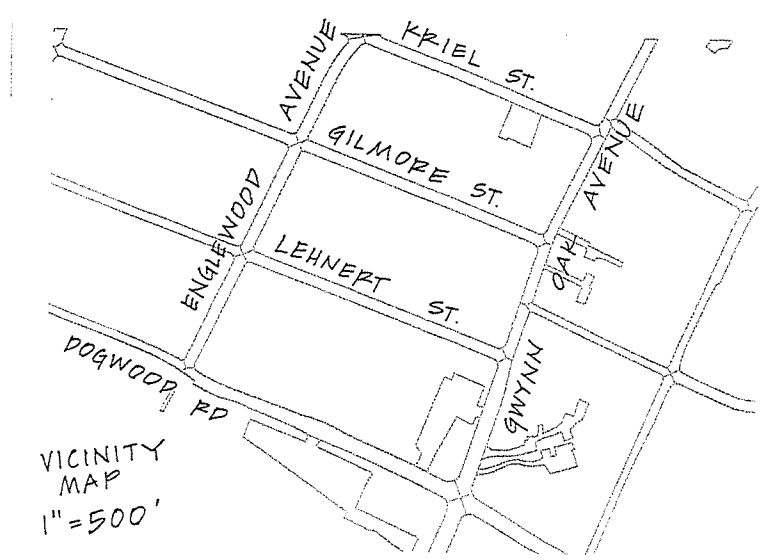
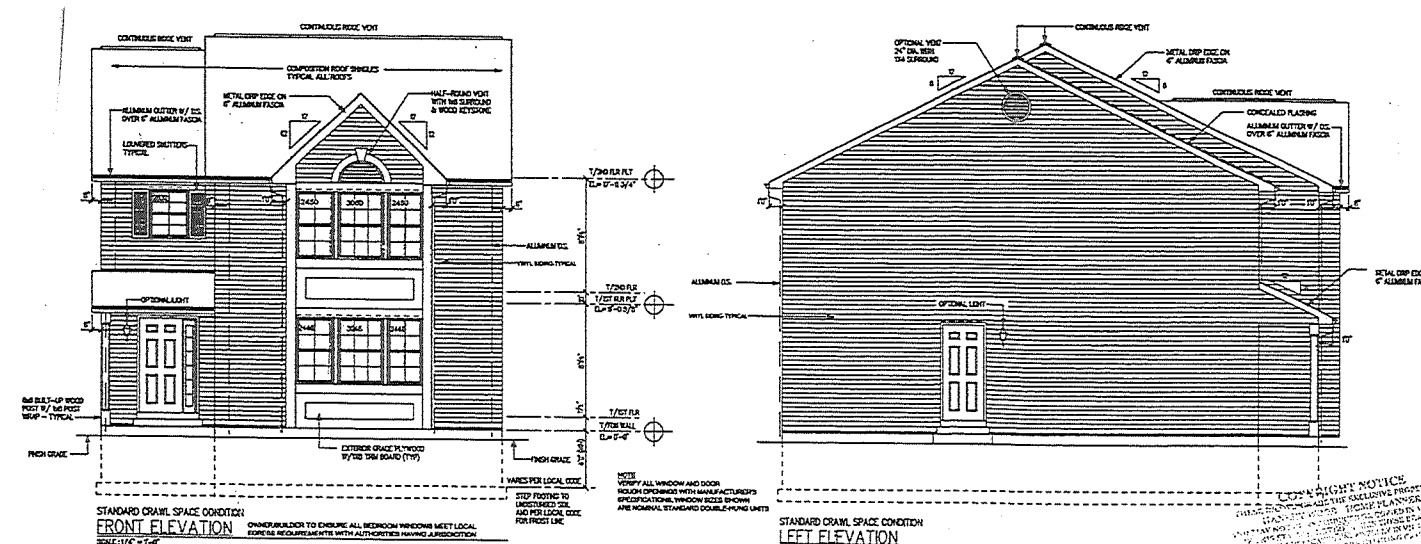
Alice Manor Adult Medical Day Care
8401 DOGWOOD ROAD
BALTIMORE, MD 21297
410-298-7255
HOW'S MY DRIVING? 410-298-9800

7A-3009 22

"Commercial property"







GENERAL NOTES:

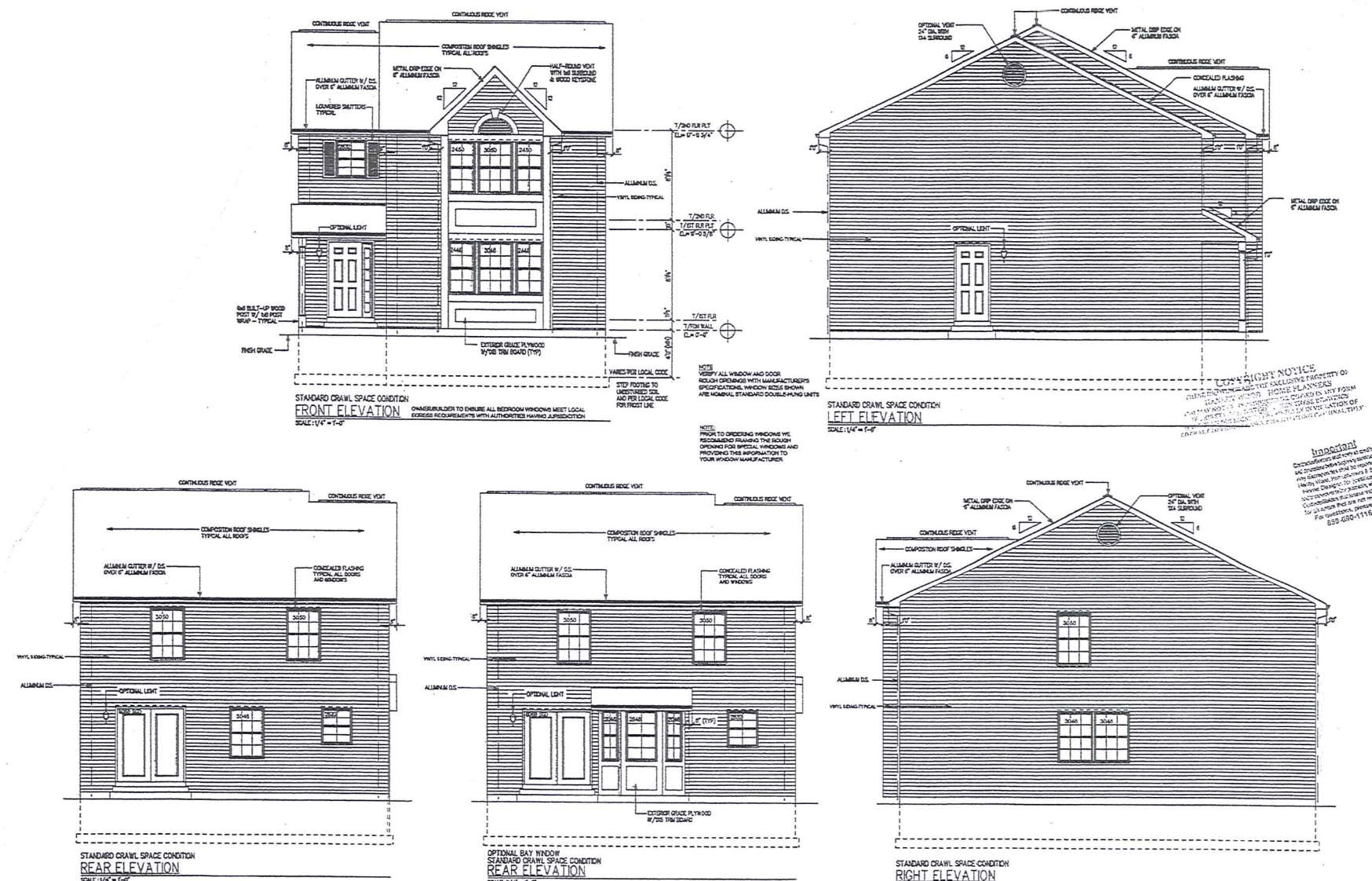
- Existing Zoning: D.R.5.5 (088A3)
- Lot Area: 7,788 SQ.FT. or 0.1787 Ac+/- (real property search)
- Existing Use: Vacant
- Proposed Use: Single Family Dwelling
- This property is not located within The Chesapeake Bay Critical Area
- This property is not located within a 100 Year Flood Plain Area
- Community Panel No. 2400100378F
- This property is not located within an Historic District
- Property is serviced by public utilities (i.e., water and sewer)
- There is no prior zoning history
- This is a lot of record on a plat dated October 1919
- This lot was created prior to the adoption of 1945 Zoning Regulations
- This plan was prepared with the use of public records: title deeds, record plats, GIS Portal and utility drawings. No boundary survey was completed.
- There are no current or outstanding zoning violations



PLAN TO ACCOMPANY AN UNDERSIZE
LOT APPLICATION/VARIANCE
PETITION

"ANDREWS EXPO PROPERTIES LLC"
#6420 DOGWOOD ROAD
LOT 212
"BROADACRES" 5/44
ELECTION DISTRICT NO. 2 C4
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
OCTOBER 15, 2013
JOB #10220

OWNER: ANDREWS EXPO PROPERTIES LLC
ROBERTO HO (443-956-6417)
2123 Oak Forest Drive
Ellicott City, MD 21043
Tax Map: 88 Grid: 20 Parcel: 391
Tax Acct. No. 2000013442
Deed Ref: 32578/316



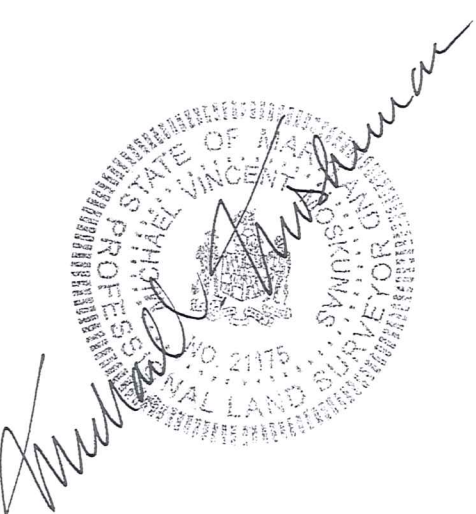
- GENERAL NOTES:
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 - Lot Area: 7,788 SQ.FT. or 0.1787 Ac+/- (real property search)
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PETITIONER'S
EXHIBIT NO. 1

PED-LINE PLAN 12/20/2013

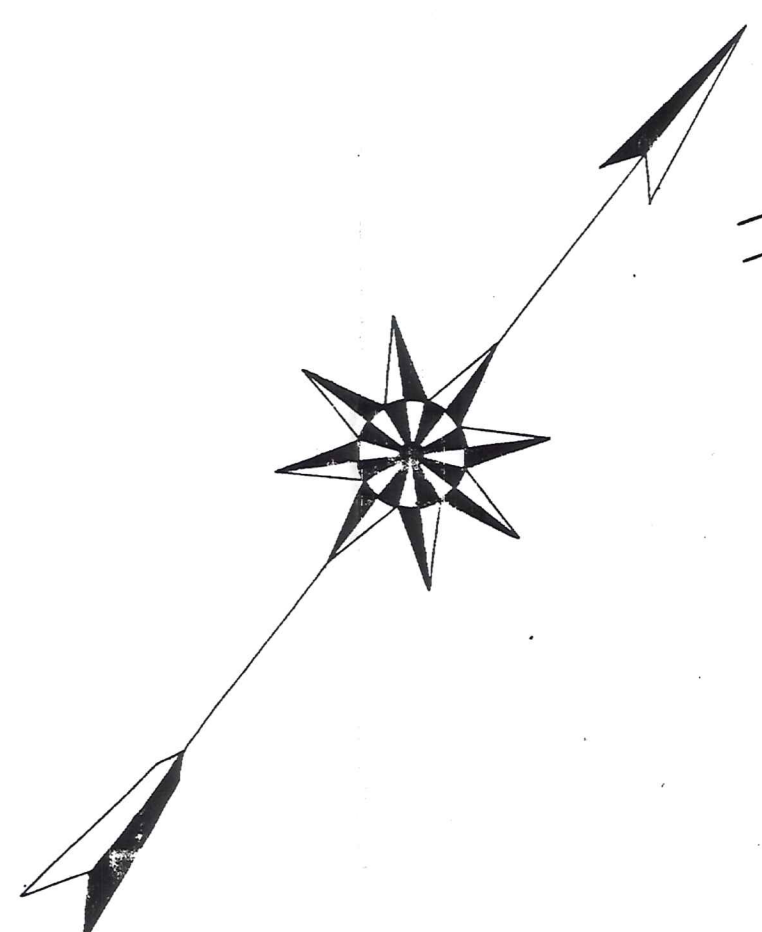
PLAN TO ACCOMPANY AN UNDERSIZE
LOT APPLICATION



OWNER: ANDREWS EXPO PROPERTIES LLC
ROBERTO HO (443-956-6417)
2123 Oak Forest Drive
Ellicott City MD 21043
Tax Map: 88 Grid: 20 Parcel: 391
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LOT 212
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ELECTION DISTRICT NO. 2 C4
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
OCTOBER 15, 2013
JOB #10220

W.P.C.
J-44



PETITIONER'S
EXHIBIT NO. 2

Plat filed Nov 14th 1919
for Record
Det: Wm. P. Cole,
Clerk

BROADACRES

SUB-DIVIDED
BY
F.B. BANNISTER
BALTIMORE MARYLAND.

SURVEYED 4% LAYOUT
BY
J.SPENCE HOWARD
CIVIL & CONSULTING ENGR. BALTIMORE MD.
SCALE 1"=100' OCTOBER, 1919.



Environmental Map

Created By
Baltimore County
My Neighborhood



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Printed 12/20/2013

PETITIONER'S

EXHIBIT NO. 3

nited